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STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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MAY 19 2003

Illinois Commerce Commission  
RAIL SAFETY SECTION

CITY OF PEORIA, a municipal  
corporation,

v.

UNION PACIFIC RAILROAD  
COMPANY,

v.

STATE OF ILLINOIS, DEPARTMENT  
OF TRANSPORTATION.

Docket No. T01-0032

Petition of the City of Peoria, Illinois,  
to construct a viaduct bridge carrying the  
tracks of the Union Pacific over the  
extension of Charter Oak Road, Peoria  
County, Illinois and directing a  
substantial Portion thereof to be borne  
by the Grade Crossing Protection Fund

**SUPPLEMENTAL PETITION FOR RELEASE OF 2<sup>ND</sup> INSTALLMENT OF  
ALLOTMENT FROM THE FUND**

**NOW COMES** the Petitioner, City of Peoria ("City"), Illinois, an Illinois Municipal Corporation, by and through its Assistant Corporation Counsel SONNI C. WILLIAMS and requests the Illinois Commerce Commission ("Commission") for release of the second installment of allotment from the Fund programmed in the Commission's 2004 Fiscal Year for the Charter Oak Project and, in support thereof, states as follows:

1. On April 18, 2001, the City filed its Petition with the Commission in the above-captioned case requesting permission to construct a highway underpass structure to carry the tracks of the Union Pacific Railroad Company ("UP") over the extension of Charter Oak Road in the City (hereinafter the "Project") and that a portion of the costs be borne by the Fund.

**DOCKETED**

2. On June 15, 2001, a hearing was held before a duly authorized Administrative Judge at the Commission's Springfield Office.

3. At said hearing, the City requested that the Fund pay 60% of the cost of the Project within the Participation limits, estimated at the time of hearing to be \$10,615,019, in the amount not to exceed \$6,369,011.

4. On March 13, 2002, an Interim Order was entered by the Commission in this instant case.

5. On April 24, 2002, an Amending Interim Order was entered by the Commission in this instant case.

6. In said Amending Interim Order, the Commission granted to the City the permission to construct the highway underpass structure carrying the tracks to the UP over Charter Oak Road.

7. Said Order also ordered the Fund pay 50% of the costs of the project, instead of the 60% as requested by the City. Said Order states that "Fund participation in this project is limited to \$5,229,600, or 50% (\$2,614,800) in FY 2002 and 50% (2,614,800) in FY 2004."

8. Said Order required the City to submit a Supplemental Petition with the Commission requesting that the allotment from the Fund programmed in the Commission's 2004 Fiscal Year be released for the submission of bills incurred by the City for the City for the Charter Oak Road Project.

9. Since the issuance of the Amending Interim Order, the City has either been billed or paid for the cost of the Project within the Fund Participation limits in the amount of \$3,005,300. Attached and incorporated herein as Exhibit 1 is a memorandum from Jane M. Gerdes, City's Civil Engineer assigned to the Project, indicating the total amount of un-

reimbursed expenses of the Project within the Fund Participation limits incurred by the City.


Note: Due to the actual bills of expenses for the Project being so voluminous, the City has not attached the copies of the bills to this Supplemental Petition, but copies are available upon request by this Commission.

10. The City estimates that it will be billed for expenses in the amount \$8,940,300 for the cost of the completion of the Project within the Fund Participation limits. See page two of Exhibit 1.

11. Upon requesting the reimbursement from ICC of expenses incurred within the Fund Participation limits, the City will no doubt exhaust the Fund amount from the first installment of \$2,614,800 and will need the release of the second installment of \$2,614,800 to pay for the future expenses to be billed for the Project within the Fund Participation limits.

**WHEREFORE**, Petitioner prays that the Commission enter an order releasing the allotted second installment of \$2,614,800 from the Fund.


CITY OF PEORIA

By:   
SONNI C. WILLIAMS  
One of its Attorneys

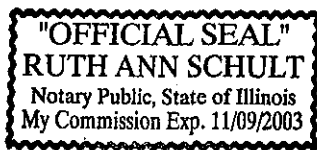
ATTORNEY FOR PETITIONER:  
SONNI C. WILLIAMS  
ASSISTANT CORPORATION COUNSEL  
419 FULTON STREET, #207  
PEORIA, IL 61602  
309/494-8590

**VERIFICATION**

I, Jane M. Gerdes, first being duly sworn upon oath depose and say that I am a City Engineer II for the City of Peoria, Peoria, Illinois; that I have read the above and foregoing petition and am familiar with the contents thereof; that said contents are true in substance and in fact; except as to those matters stated upon information and belief, and as to those, I believe same to be true.

  
Jane M. Gerdes  
City Engineer II

Subscribed and sworn to before me this 16<sup>th</sup> day of May, 2003.



  
Notary Public, Illinois

**CITY OF PEORIA  
PUBLIC WORKS DEPT.  
ENGINEERING DIV.**

# Memo

To: Randy Ray, Corporation Counsel

Thru: Gene Hewitt, City Engineer

From: Jane Gerdes, Civil Engineer II

Date: 05/16/03

Re: Discussion of Expenditures to Date - Charter Oak Road Petition/ICC Order # T01-0032

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Per your request, following is a summary of unreimbursed expenses paid or pending to date by the City of Peoria for the referenced Project within the Fund Participation limits:

Preliminary engineering:	\$ 242,900
Design Engineering:	\$ 615,600
Construction Engineering:	\$ 166,000
Right of Way Acquisition:	\$ 428,200
Railroad Force Account:	\$ 100,000
Construction:	<u>\$1,452,600</u>
Total:	\$3,005,300

**Re:** Statement of Expenditures to Date - Charter Oak Road Petition/ICC Order # T01-0032 (*continued*)

In the future, we estimate the following additional expenses:

Preliminary engineering:	\$ 0
Design Engineering:	\$ 0
Construction Engineering:	\$ 485,500
Right of Way Acquisition:	\$ 0
Railroad Force Account:	\$1,025,800
Construction:	<u>\$7,429,000</u>

Total: \$8,940,300

The City's share of the expense is expected to be 40%. To summarize:

The City expects grant reimbursements for approximately \$1,803,180 (60% of \$3,005,300) for current/pending expenses of the Project within the Fund Participation limits.

The City expects to request grant reimbursement for approximately \$5,364,180 (60% of \$8,940,300) for estimated expenses of the Project within the Fund Participation limits in the coming years.

See attached Cost Summary for further details.

Please call Jane Gerdes of City Engineering staff at (309) 494-8819 with any questions or requests for further information.

# CHARTER OAK ROAD EXTENSION

## COST SUMMARY

(Revised 04/21/03)

Participation Limits 8+465 to 9+745

	Within Limits	Outside Limits	Total Costs
<b>Construction Costs</b>			
First Phase Const.	\$5,444,688	\$186,444	\$5,631,132
Second Phase Const.	\$3,123,900	\$2,790,826	\$5,914,726
0% Contingency - First Phase	\$0	\$0	\$0
10% Contingency - Second Phase	\$312,390	\$279,083	\$591,473

Total Construction Cost	\$8,880,978	\$3,256,353	\$12,137,331
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<b>Right-of-Way</b>			
	\$428,234	\$395,975	\$824,209

<b>Preliminary Engineering</b>			
Corridor (PE I)	\$242,914	\$89,072	\$331,986
Design (PE II)	\$615,644	\$225,745	\$841,389

	<u>\$8,880,978</u>	
% of Participation =	\$12,137,330 or	73.17%

*First Phase construction contract let (10/01/02); includes rail bridge, approach fill from the west, large box culvert and other misc. grading.*

*Second Phase construction contract includes balance of the work; Estimated letting date: June, 2003.*

<b>Construction Engineering</b>			
First Phase Construction	\$387,437	\$13,263	\$400,700

	<u>\$5,444,688</u>	
% of Participation =	\$5,631,132 or	96.69%

Second Phase Construction	\$264,100	\$235,900	\$500,000
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	<u>\$3,436,291</u>	
% of Participation =	\$6,506,199 or	52.82%

<b>Estimated Force Account for Railroad Work</b>			
	\$1,718,497		\$1,718,497

Total Estimated Costs Within the Participation Limits:

\$12,537,804

**Total Estimated Costs:**

\$16,754,112

	<u>\$12,537,804</u>	
% of Participation Est =	\$16,754,112 or	74.83%

**AFFIDAVIT OF SERVICE**

The undersigned states that she served the foregoing Supplemental Petition for Release of 2<sup>nd</sup> Installment of the Allotment from the Fund by causing the same to be deposited in the United States mail in Peoria, Illinois, on the 16<sup>th</sup> day of May 2003 to the following addresses:

ILLINOIS COMMERCE COMMISSION

Mr. Kevin Sharpe  
Director of Processing and Information  
529 E. Capitol Avenue  
Springfield, Illinois 62706

Mr. Max Shumate, Jr.  
Union Pacific Railroad  
101 H. Wacker Drive, Room 1920  
Chicago, IL 60606-1718

Mr. David McKernan  
Industry and Public Projects Manager  
Union Pacific Railroad  
210 North 13<sup>th</sup> Street  
St. Louis, MO 63103

James C. Slifer  
Director of Highways  
Illinois Department of Transportation  
2300 S. Dirksen Parkways  
Springfield, Illinois 62764

  
SONNI C. WILLIAMS

ATTORNEY FOR PETITIONER:  
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